

Christine Joyce

8/4 (9)

From: Alan Cathcart [ACathcart@concordnet.org]
Sent: Thursday, July 17, 2003 12:15 PM
To: Christine Joyce
Subject: FW: Concord Land swap



7-17-2003_11-10-4 Ltr Alan Cathcart
1 AM.pdf (268... from Don P. ...

Alan H Cathcart
Concord Public Works
978-318-3250

> -----Original Message-----
> From: Alan Cathcart
> Sent: Thursday, July 17, 2003 12:06 PM
> To:
> Cc: Bill Edgerton
> Subject: Concord Land swap
>
> Christine,
>
> Please see attached a copy of the original letter sent in 1998 from
> Don Johnson to Jim Terry to assist in finalizing a land-swap agreement
> between Palmer Realty Trust (Quail Ridge site) and the Town of
> Concord. Because several years have elapsed since this letter was
> originally issued, our Attorney has indicated that it would be
> beneficial to have this letter reissued. It is my understanding that
> our Town Council is trying to close on this land swap tomorrow.
>
> For your convenience, a draft of the revised letter is also attached.
> I apologize for the late notice. If you our Don have any questions,
> please call me.
>
> Thank you for your assistance
>
> Alan
> <<7-17-2003_11-10-41 AM.pdf>> <<Ltr Alan Cathcart from Don P. Johnson
> (TAP1845).doc>>
> Alan H Cathcart
> Concord Public Works
> 978-318-3250
>

[Town of Acton Letterhead]

July 17, 2003

Alan Cathcart
Water and Sewer Superintendent
Town of Concord
135 Keyes Road
Concord, MA 01742

Re: Concord/Palmer Family Realty Trust Land Swap

Dear Alan:

I am writing on behalf of the Board of Selectmen of the Town of Acton to confirm the fact that, as previously stated in a letter that I sent to James B. Terry, former Chairman of the Concord Board of Selectmen, on July 3, 1998 (a copy of which is attached hereto), the Town of Acton is not interested in purchasing the approximately 3.75-acre property shown as Parcel 29, Sheet C4 on the Acton Assessor's Map from the Town of Concord (I understand that the subject parcel was inadvertently identified as Parcel 29, Sheet D4 previously). I hereby confirm the Town of Acton's release of any rights that it may have under the provisions of Chapter 40, Section 15B of the Massachusetts General Laws with respect to that parcel.

I hope that this letter will enable you to proceed with your proposed land swap with the Palmer Family Realty Trust.

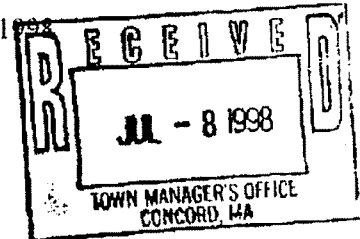
Sincerely,

Don P. Johnson
Town Manager



TOWN OF ACTON
Town Manager's Office
472 Main Street
Acton, Massachusetts, 01720
Telephone (978) 264-9612
Fax (978) 264-9630

July 3, 1998



Mr. James B. Terry, Jr., Chairman
Concord Board of Selectmen
22 Monument Square
P.O. Box 535
Concord, MA 01742

Subject: Nagog Pond land swap between Palmer Family and Town of Concord

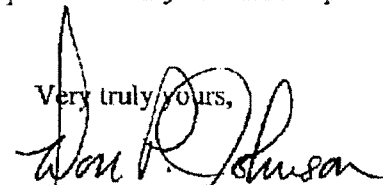
Dear Chairman Terry:

The Acton Board of Selectmen has reviewed the Town of Concord's offer to sell a 3.75 acre parcel of land in Acton, owned by the Town of Concord and shown as Parcel 29, Sheet D4 on the Assessor's Maps, to the Town of Acton. After due consideration, the Selectmen authorized me to inform you that the Town of Acton does not have an interest in purchasing the subject property. Accordingly, you may consider this letter as a release of Acton's right to purchase under the provisions of Chapter 40, Section 15B of the Massachusetts General Laws.

The Board further noted that the Palmer property, for which you propose to swap this parcel, is under a Chapter 61A restriction with the Town of Acton. As part of the Selectmen's vote, the Board voted to waive it's right of first refusal on that property, also.

We trust that that the above noted votes will clear any obstacles over which the Acton Board of Selectmen have control and allow you to proceed with your land swap.

Very truly yours,


Don P. Johnson,
Town Manager

cc: Christopher Whelan, Concord Town Manager
William B. Edgerton, Concord Public Works Director
Craig D. Palmer
Acton Board of Assessors

F# 2 4/24/98



OLD NORTH BRIDGE

TOWN OF CONCORD

BOARD OF SELECTMEN'S OFFICE
22 MONUMENT SQUARE - P.O. BOX 535
CONCORD, MASSACHUSETTS 01742

TELEPHONE (508) 371-6202
FAX (508) 369-5240

RECEIVED

APR 22 1998

April 13, 1998

Mr. F. Doré Hunter, Chairman
Acton Board of Selectmen
472 Main Street
Acton, MA 01720

RE: Nagog Pond land swap between Palmer Family and Town of Concord

Dear Mr. Hunter:

I am writing you regarding the Town of Concord's interest in exchanging a parcel of land, situated in Acton near Nagog Pond and currently owned by the Town of Concord, for a similarly sized parcel, owned by the Palmer family, abutting Concord's ozone treatment facility at Nagog Pond (see Attachments 1 and 2). The Town's property is entirely surrounded by Palmer land and has an appraised value of \$20,000. Because Concord's property is located in your community and was purchased for water supply purposes, Chapter 40, Section 15B of the Massachusetts General Laws requires that the Town-owned property first be offered to the Town wherein it lies for a minimum amount to be specified by our Town Meeting (see Attachment 3).

This proposed land swap was originally brought to your Board's attention three years ago and, while no formal action was taken, we understand that the Board was supportive of our efforts and did not indicate an interest in acquiring the land for the Town of Acton. Our Board was authorized by Town Meeting vote in 1994 to make a formal offer, but changes in personnel and the discovery of a wording flaw in the original Town Meeting vote has delayed the process. We are in the process of reauthorizing the swap at our upcoming Annual Town Meeting under Article 39.

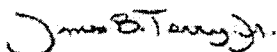
The land in question belonging to the Town of Concord is identified on the Town of Acton Assessors Maps as parcel 29, sheet D4, consisting of 3.75 acres. The land to be conveyed to the Town of Concord in exchange for this parcel, situated near Nagog Brook and approximately 300 feet from Nagog Pond, is shown on a plan entitled "Proposed Land Transfer" by Haley and Ward, Inc., September, 1993, consisting of 3.75 acres - more or less (see Attachments 4 and 5).

With the construction of our ozone treatment facility, the Town-owned land, originally purchased for a chlorination facility, is no longer necessary. It is also entirely surrounded by Palmer family land. The Palmer land that will be exchanged abuts the ozone facility property and will further secure Town access to the facility.

By this letter the Town of Concord offers to convey land within the Town of Acton, identified on Town of Acton Assessors Maps as parcel 29, sheet D4, consisting of 3.75 acres, to the Town of Acton for the minimum price of \$20,000. It would be our hope that the Town of Acton, acting through its Board of Selectmen, would decline this offer of conveyance so that the land can be made available to the Palmer Family Trust in exchange for the 3.75 acres of land next to the ozone facility.

If you have any questions regarding this offer and request, please feel free to contact William B. Edgerton, Director, Concord Public Works, 978-371-6287, Christopher Whelan, Town Manager, 978-371-6200, or me.

Sincerely,



James B. Terry, Jr., Chairman
Concord Board of Selectmen

cc: Donald P. Johnson, Acton Town Manager
✓ Christopher Whelan, Concord Town Manager
James Deming, Acton Water Superintendent
William B. Edgerton, Concord Public Works Director
Alan H. Cathcart, Concord Water and Sewer Superintendent
Craig Palmer

JBT-WBE:jsb

Enclosures (five)